

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6232

BILL NUMBER: SB 188

NOTE PREPARED: Nov 29, 2011

BILL AMENDED:

SUBJECT: Public Intoxication.

FIRST AUTHOR: Sen. Taylor

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ GENERAL
☒ DEDICATED
☐ FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that, for purposes of the public intoxication statute, a person is not in a public place or place of public resort if the person is a passenger in a motor vehicle that is traveling on a highway. It specifies that the offense of being intoxicated in or upon a vehicle commonly used for public transportation does not apply to a taxicab.

Effective Date: July 1, 2012.

Explanation of State Expenditures:

Explanation of State Revenues: There are no data available to indicate how many fewer people may be convicted of a Class B misdemeanor if a motor vehicle traveling on a highway is not a public place or place of public resort or for being intoxicated on a vehicle used for public transportation if taxicabs are excluded from the offense.

If fewer court cases occur and fines are not collected, revenue to both the Common School Fund and the state General Fund would decrease. The maximum fine for a Class B misdemeanor is \$1,000. Criminal fines are deposited in the Common School Fund.

If the case would have otherwise been filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case were filed in a city or town court, 55% of the fee would have been deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$5), judicial salaries fee (\$19), public defense administration fee (\$5), court administration fee (\$5), judicial insurance

adjustment fee (\$1), and the DNA sample processing fee (\$2) are deposited into the state General Fund.

Explanation of Local Expenditures: A Class B misdemeanor is punishable by up to 180 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If fewer court actions occur, local governments would not receive revenue from the following sources: The county general fund receives 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee is deposited in the county general fund and 25% is deposited in the city or town general fund. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

Fiscal Analyst: Chuck Mayfield, 317-232-4825.